

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

ALFONSO YBARRA,  
Petitioner,

No. C 07-4450 SI (pr)

**ORDER OF DISMISSAL**

v.

PEOPLE OF THE STATE OF  
CALIFORNIA,  
Respondent.


This action was opened on August 28, 2007, when the court received a Petition For Writ Of Habeas Corpus from petitioner. The action was opened in error because the petition went to the wrong court. The petition apparently was intended to be mailed to the California Supreme Court rather than the U.S. District Court. The envelope in which the petition arrived was addressed to the California Supreme Court but the street address used was that for this court: the envelope was addressed to "California State Supreme Court, 450 Golden Gate Avenue." Another indicator that the petition was intended to be sent to the California Supreme Court is that, in response to a part of the form that directed petitioner to "state the circumstances justifying an application to this court," petitioner wrote: "Under advisement of 'legal aid,' was instructed to file this application to 'California Supreme Court,' since they overturned sentencing law." Petition, p. 6. Based on the foregoing, this court concludes that the petition was not intended to be filed in this court and was instead intended to be filed in

1 the California Supreme Court. Accordingly, this action is DISMISSED without prejudice  
2 because it was filed in the wrong court.

3 The clerk shall send a copy of the petition and envelope to the California Supreme  
4 Court for filing in that court. The clerk shall send with the petition a copy of this order so  
5 that court will be able to understand why the petition first went to this court and is being  
6 redirected to that court. The clerk then shall close the file.

7 IT IS SO ORDERED.

8 DATED: September 4, 2007

  
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SUSAN ILLSTON  
United States District Judge